

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

TOMMY J. HERRERA,

Plaintiff,

vs.

CIV 14-1128 LH/KBM

TAMMIE LYNN BRERETON and
AMERICAN FAMILY INSURANCE,

Defendants.

ORDER STAYING DISCOVERY

THIS MATTER comes before the Court on the Motion to Bifurcate and Stay Discovery (*Doc. 14*), filed by Defendant American Family Insurance (“American Family”) on January 22, 2015, and fully briefed on February 17, 2015 (*Doc. 26*), and Plaintiff’s Motion to Compel (*Doc. 35*), filed April 1, 2015, and fully briefed April 21, 2015. The Court finds that the motion to bifurcate and stay discovery is well taken in part and should be granted in part and that the motion to compel should be denied without prejudice.

This case arises out of a personal injury negligence claim made by Plaintiff against Defendant Brereton as a result of a non-collision accident that occurred on June 6, 2014. Plaintiff initiated this lawsuit in state court, and Defendants removed the action to federal court. *Doc. 1*. Defendant American Family had issued an auto insurance policy to Defendant Brereton and, therefore, was added as a named party pursuant to *Raskob v. Sanchez*, 1998-NMSC-045, 126 N.M. 349, 970 P.2d 580. In its motion, Defendant American Family asks the Court to bifurcate all proceedings, including discovery, against it from the personal injury proceedings against Defendant Brereton.

On May 7, 2015, Senior District Judge C. LeRoy Hansen *sua sponte* raised the issue of subject matter jurisdiction in this case and ordered the parties to submit supplemental information that might establish subject matter jurisdiction. *Doc. 47*. In light of Judge Hansen's order, the Court will stay discovery pending a determination of that issue.

WHEREFORE,

IT IS ORDERED that Defendant's Motion to Bifurcate and Stay Discovery (*Doc. 14*) is granted in part and denied in part. Discovery is hereby stayed. All pretrial deadlines shall be reassessed, as necessary, following Judge Hansen's determination on jurisdiction issue. Defendant American Family's request for bifurcation is denied without prejudice.

IT IS FURTHER ORDERED that Plaintiff's Motion to Compel (*Doc. 35*) is denied without prejudice, and Plaintiff may again raise the issues contained therein should the Court retain jurisdiction.


UNITED STATES CHIEF MAGISTRATE JUDGE